



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,272	07/19/2001	Emil Willi Reppel	34513-072432.0164	2184

5514 7590 07/01/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

5/7

Office Action Summary	Application No. 09/909,272	Applicant(s) REPPPEL, EMIL WILLI	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1733

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6-9-2004 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162).

These references are applied for substantially the same reasons as set forth in the final rejection. Claim 1 newly defines that the shaft is supported by a vertical upright on a carriage and the mandrel, vertical upright and carriage translate. As to these new requirements, in Hawkinson, Jr. '476, the element 24 (note esp. fig. 2) is a vertical upright on a carriage which supports the shaft. Likewise, in Hawkinson '162, the carriage "13" supports what can be termed a "vertical upright" (not separately numbered but part of assembly "8") which in turn supports shaft "9".

4. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162) as applied above and further in view of the admitted state of the prior art as applied in the last office action.

Art Unit: 1733

5. Claims 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162) as applied above taken alone or further in view of the admitted state of the prior art as applied to claims 1-4, 6 and 7 above, and further in view of Andersson et al. (US 6,251,204) and/or Marangoni (US 4,036,677) and/or Schmidt (US 2,009,524) as applied in the last office action.

6. Applicant's arguments filed 6-9-2004 have been fully considered but they are not persuasive.

It is first noted that with removal of the requirements from claim 1 pertaining to the movement/contact capability of the apparatus (i.e. the last three lines of the claim), the patent to Cahill is no longer necessary and has been removed from the rejections.

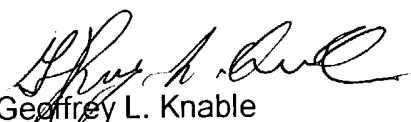
As to the new features claimed, applicant points to the upright pedestal "5" in Hawkinson '162 and urges that this reference does not meet the claim since this upright does not translate. These arguments have been carefully considered but are unpersuasive. While it is not disputed that the upright "5" does not translate, as noted in the rejection above, the carriage "13" supports what can be termed a "vertical upright" (not separately numbered but part of assembly "8") which in turn supports shaft "9". Similar arguments are presented with respect to Hawkinson, Jr. '476 but, likewise, as noted above, the element 24 (note esp. fig. 2) is a vertical upright on a carriage which supports the shaft. These references are therefore considered to fully anticipate the present claims as amended and the rejections are therefore still deemed proper and will be maintained.

Art Unit: 1733

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
June 25, 2004